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HIGH COURT OF JUDICATURE AT BILASPUR : CHHATTISGARH

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION (C) NO. 5355 OF 2006.

PETITIONERS	1.	Shukun Bai W/o Devendra Sahu Aged about 32 years cultivator and resident of village, Deosundra Tahsil Pallari Distt. Raipur.
	2.	Devendra Sahu S/o Daya Ram Aged 39 years cultivator and resident of village Deosundra Tahsil Pallari Distt. Raipur (C.G.).
	Versus	
RESPONDENTS	1.	The Naib Tahsildar (Rupesh Kumar) Pallari Tahsil Pallari Distt. Raipur.
	2.	Rupesh Kumar Aged about 41 years, holding post of Naib Tahsildar Pallari Distt. Raipur.
	3.	The Tahsildar Pallari (Shri Manikpuri) Tahsil Pallari Distt. Raipur.
	4.	Padumnath Patel S/o Sudhuram Patel Aged 52 years resident of village Deosundra Tahsil Palari.
	5,	Puranik Ram S/o Ghasiram Verma Aged 59 years resident of village Deosundra Tahsil Palari.
	6.	Mehataruram S/o Rameshar Verma resident of village Deosundra Tahsil Palari.
	7.	The State of Chhattisgarh Through The Principal Secretary Department of Revenue, Secretariat D.K. Bhawan Raipur Distt. Raipur.
	8.	The Sub Divisional Officer Department of located at Sandi (Kanki) in the Distt. Of Raipur (C.G.).

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Present : Shri J.R. Verma, learned counsel for the petitioners.
Shri Yashwant Singh, learned Govt. Adv. for the State of C.G.

(ORAL ORDER)
(Passed on 7th November, 2006)

The dispute brought before the Court relates to a land property over which there is a serious controversy between the petitioners and the State Authorities. Whereas it is the case of the respondents- State Authorities that the petitioners are the encroachers of the petition scheduled land, it is the case of the petitioners that they have been in lawful possession of the petition scheduled land. The truth or otherwise of the claim made by the contesting parties could be known only on appreciation of substantive legal evidence. There is no need for this Court to undertake resolution of the disputed facts relating to land property, and in fact, such a dispute cannot be decided on the basis of affidavits and counter-affidavits only. Moreover, in the course of the submissions, it was brought to my notice that the respondents have already demolished the structures existing on the petition scheduled land. For all these reasons, I decline to entertain this writ petition, however, reserving liberty to the petitioners to workout their legal remedies by way of private law review remedies like declaration, injunction and damages, as the case may be, to suit their particular grievance. The writ petition is disposed of accordingly. No costs.

Sd/-
Chief Justice

Kharade